

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH E. SINGLETON,

Plaintiff,

v.

DAVID A. JOHNSTON,

Defendant.

Case No. C02-5477FDB

ORDER

This prisoner civil rights matter is currently pending in the Ninth Circuit Court of Appeals following the Court's dismissal for failure of Plaintiff to exhaust administrative remedies. Nevertheless, Plaintiff moves to reopen his civil rights complaint. Although Defendant was not served, after receiving electronic notification he filed a response stating the procedural posture of this case and that he would file a response if the Court desired. Plaintiff's motion to reopen his case is out of order, and this court lacks jurisdiction over this matter. ACCORDINGLY,

IT IS ORDERED: Plaintiff's Motion To Reopen Civil Rights Complaint [Dkt. # 35] is DENIED.

DATED this 20<sup>th</sup> day of September, 2005.



FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE